



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,456	03/29/2004	Anthony J. Governo	15358US01	4680
23446 7590 02/11/2008 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661				
EXAMINER ELEY, TIMOTHY V				
ART UNIT		PAPER NUMBER		
3724				
MAIL DATE		DELIVERY MODE		
02/11/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/813,456

**Applicant(s)**

GOVERNO, ANTHONY J.

**Examiner**

Timothy V. Eley

**Art Unit**

3724

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 4-7, 11-20, 22, 23 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-7, 11-20, 22, 23 and 25-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claim 25 is rejected under 35 U.S.C. 102(e) as being anticipated by Kao(6,988,435), as applied in the rejection filed February 22, 2007.

a. Furthermore, the apparatus is capable of deflecting cutting waste to an exhaust fitting secured to a stationary table, since applicant does not positively recite the stationary table in combination with the apparatus.

***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1,2,4,5,7,11-14,16-20,22,23, and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Governo et al(D451,109) in view of either Kao(6,988,435) or Oktavec et al(6,742,425), each considered independently.

b. Governo et al discloses a cutting apparatus comprising; a table, a blade support structure, the support structure having a cutting arm pivotable about the support structure and capable of being moved in an arcuate cutting motion; and a rotatable blade mounted on the cutting arm. See figures 1 and 2.

c. Governo et al does not specifically disclose that the table is stationary, and a dust collection fitting secured to the table such that the fitting is in line to receive cutting waste produced during a cutting operation.

Art Unit: 3724

d. However, both Kao and Oktavec et al disclose a cutting apparatus having a dust collection fitting secured to a table such that the fitting is in line to receive cutting waste produced during a cutting operation. See the first page of each reference, and abstracts.

e. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the Governo et al apparatus, as taught by either Kao or Oktavec et al, by providing a dust collection fitting secured to the table such that the fitting is in line to receive cutting waste produced during a cutting operation in order to more easily remove waste from the work environment.

f. Whether or not the table is stationary or movable would have been an obvious matter of choice and structural design to one having ordinary skill in the art at the time the invention was made, since clearly a movable table allows the apparatus to be more versatile.

g. Regarding claim 2, note the motor is parallel to the table.

h. Regarding claims 4 and 5, note guard member acts as a dust deflector.

i. Regarding claim 7, the fitting is configured to receive a vacuum pump, and wherein the fitting when equipped with the vacuum pump exhausts air in a stream generally parallel to the table.

j. Regarding claims 11 and 12, the cutting arm is elliptically arc shaped.

Art Unit: 3724

k. Regarding claim 13, the cutting arms pivots to allow the blade to cut from a top of an article down through an entire bottom of the article.

l. Regarding claim 14, Governo et al discloses a cavity, but does not explicitly show that that cavity allows a bottom of the blade to pass through the table. However, whether or not the blade passes completely through the table would have been an obvious matter of choice and structural design to one having ordinary skill in the art at the time the invention was made, as long as the blade is allowed to completely cut through the workpiece.

m. Regarding claim 16-19, note two angled elements connected by first and second cylindrical/tube-shaped rods, on one of which the cutting arm pivots.

n. Regarding claim 20, perpendicularity of the blade to the table is maintained.

o. Regarding claim 22, the blade support structure projects upwardly from the table.

p. Regarding claim 23, note the leverage arm.

q. Regarding claim 26, the Governo et al apparatus, as modified by either Kao or Oktavec et al, removably secures the fitting to the table.

r. Regarding claims 27 and 28, the Governo et al apparatus, as modified, has a guard member which deflects cutting waste to the fitting, and the fitting and the guard member overlap upon urging the rotatable blade into a cutting motion, since the fitting is secured to the table behind the guard member.

Art Unit: 3724

s. Regarding claim 29, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have secured the fitting behind the blade and thus behind the cavity along an axis where cutting occurs, in order to adequately remove waste material.

5. Claims 1,2,4-7,11-13,15,20,22,23, and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brazell(6,478,664) in view of either Kao(6,988,435) or Oktavec et al(6,742,425), each considered independently.

a. Brazell discloses an apparatus comprising; a table, a blade support structure, the support structure having a cutting arm pivotable about the support structure and capable of being moved in an arcuate cutting motion; and a rotatable blade mounted on the cutting arm. See figures 1 and 2.

b. Brazell does not specifically disclose that the table is stationary, and a dust collection fitting secured to the table such that the fitting is in line to receive cutting waste produced during a cutting operation.

c. However, both Kao and Oktavec et al disclose a cutting apparatus having a dust collection fitting secured to a table such that the fitting is in line to receive cutting waste produced during a cutting operation. See the first page of each reference, and abstracts.

d. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the Brazell apparatus, as taught by either Kao or Oktavec et al, by providing a dust collection fitting secured to the table such that the fitting is in line to receive cutting

Art Unit: 3724

waste produced during a cutting operation in order to more easily remove waste from the work environment.

e. Whether or not the table is stationary or movable would have been an obvious matter of choice and structural design to one having ordinary skill in the art at the time the invention was made, since clearly a movable table allows the apparatus to be more versatile.

f. Regarding claim 2, note the motor is parallel to the table.

g. Regarding claims 4-6, note guard member acts as a dust deflector and provides at least 181 degrees of coverage of the rotatable blade.

h. Regarding claim 7, the fitting is configured to receive a vacuum pump, and wherein the fitting when equipped with the vacuum pump exhausts air in a stream generally parallel to the table.

i. Regarding claims 11 and 12, the cutting arm is elliptically arc shaped.

j. Regarding claim 13, the cutting arms pivots to allow the blade to cut from a top of an article down through an entire bottom of the article.

k. Regarding claim 15, note the removable backstop.

l. Regarding claim 20, perpendicularity of the blade to the table is maintained.

m. Regarding claim 22, the blade support structure projects upwardly from the table.

n. Regarding claim 23, note the leverage arm.

Art Unit: 3724

o. Regarding claim 26, the Brazell apparatus, as modified by either Kao or Oktavec et al, removably secures the fitting to the table.

p. Regarding claims 27 and 28, the Brazell apparatus, as modified, has a guard member which deflects cutting waste to the fitting, and the fitting and the guard member overlap upon urging the rotatable blade into a cutting motion, since the fitting is secured to the table behind the guard member.

q. Regarding claim 29, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have secured the fitting behind the blade and thus behind the cavity along an axis where cutting occurs, in order to adequately remove waste material.

***Response to Arguments***

6. Applicant's arguments filed May 22, 2007 have been fully considered but they are not persuasive.

a. Applicant argues that none of the references teach or suggest a dust collection fitting secured to a stationary table.

i. However, as stated above, whether or not the table is stationary or movable would have been an obvious matter of choice and structural design to one having ordinary skill in the art at the time the invention was made, since clearly a movable table allows the apparatus to be more versatile.

b. Applicant argues that none of the cited references teach or suggest a backstop removably secured to a table.

i. However, as clearly shown in Brazell, the backstop(48) is removably secured to the table.



**Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

b. The cited prior art discloses cutting apparatuses having dust collection fittings securing to a table.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy V. Eley whose telephone number is 571-272-4506. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Timothy V Eley/  
Primary Examiner, Art Unit 3724

Art Unit: 3724

tve